

***United States Court of Appeals
for the Second Circuit***



APPENDIX

10mt

75-4191

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

FRANCISCO ANTONIO SUAREZ-
CASTRO, :
 :
Petitioner, :
 :
-v- :
 :
IMMIGRATION AND NATURALIZATION :
SERVICE, :
Respondent. : :

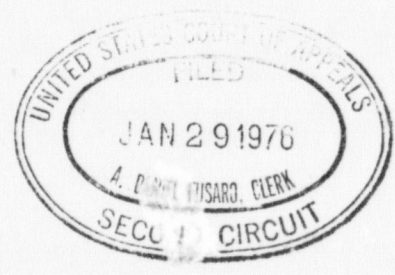
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P/S

Docket No. 75-4191

APPENDIX TO PETITIONER'S BRIEF

ANTONIO C. MARTINEZ, ESQ.
Attorney for Petitioner
324 West 14th Street
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JANUARY, 1976



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PAGINATION AS IN ORIGINAL COPY

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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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FRANCISCO ANTONIO SUAREZ- CASTRO,	:	
	:	
Petitioner,	:	PETITION FOR REVIEW OF
	:	ADMINISTRATIVE AGENCY
-v-	:	<u>ACTION</u>
	:	
IMMIGRATION AND NATURALIZATION SERVICE,	:	Docket 75-4191
	:	
Respondent.	:	

- - - - -x

APPENDIX TO PETITIONER'S BRIEF

DECISION OF THE BOARD OF IMMIGRATION
APPEALS DATED AUGUST 27, 1975

CHARGE:

ORDER: Section 241(a)(2), I&N Act (8 U.S.C. 1251(a)(2)) - Nonimmigrant -
remained longer than permitted

APPLICATION: Termination of proceedings under section 243(h) of the
Immigration and Nationality Act

This is an appeal from an order of an immigration judge denying
respondent's motion to reopen the deportation proceedings. The facts
are adequately covered in the immigration judge's order.

We have carefully examined the record and are satisfied that the
hearing accorded the respondent was fair. The immigration judge's grant
of one year to effect voluntary departure was exceedingly generous. We
agree with the immigration judge that there is no merit to the respondent's

motion and shall dismiss the appeal.

ORDER: The appeal is dismissed.

Chairman

ORDER DENYING MOTION TO REOPEN BY
THE IMMIGRATION JUDGE, DATED JUNE 11, 1975

The respondent is an alien, a native and citizen of the Dominican Republic who last entered the United States at New York, N.Y., on November 18, 1968 at which time he was admitted as a nonimmigrant visitor for pleasure, who was authorized to remain until March 17, 1969. He remained beyond that date without authority thereby becoming subject to deportation on the charge contained in the Order to Show Cause.

Deportation proceedings were begun by service of an Order to Show Cause on November 9, 1970. In such proceedings deportability was conceded but the respondent indicated his wish to apply for a stay of deportation under Section 243(h) of the Immigration and Nationality Act because he believed he would be subject to persecution if deported to the Dominican Republic. The facts in the matter was presented to the Department of State in 1972 and that Department expressed the opinion that no foundation had been laid for such a claim.

At a separate part of the hearing calendar held on October 29, 1973 the respondent agreed not to pursue his claim under Section 243(h) of the Immigration and Nationality Act on condition that he be granted a period of one year within which to effect his voluntary departure from the United States. He was granted that initial period of one year and, in fact, was granted an extension of his time within which to depart until January

15, 1975. He has now submitted a new motion requesting an indefinite stay of deportation, presumably on the basis of Section 243(h) of the Act, although no specific claim is made under that Section of law. The District Director granted a stay pending action on the document which he characterizes as a motion and the application for stay was presented to me as if it were a proper motion to reopen.

For the purposes of avoiding circuitry of action I will consider it to be a motion although it does not appear to be in appropriate form.

The respondent has now had more than ample opportunity to present whatever claims he may have felt entitled to on the basis of Section 243(h) of the Immigration and Nationality Act. His attorney made a deliberate choice and withdrew the claim under Section 243(h) in exchange for a protracted period of voluntary departure from the United States. Certainly the least that should be required of counsel is that the motion to reopen contain some indication that the circumstances have changed since he entered into the stipulation on the basis of which he was granted a year's voluntary departure time. This he has failed to do. The only additional information which he now furnishes is to the effect that he was presently processing an immigrant visa application in Newfoundland based on his new marriage to a lawful permanent resident of the United States. This of course, is entirely unrelated to his claim of persecution.

Accordingly on the basis of the entire record, as well as the opposition presented by the Trial Attorney to the motion, I find that the motion is without merit and will be DENIED.

ORDER: IT IS ORDERED that the motion to reopen these proceedings be, and the same hereby is, DENIED.

Signed

IRA FIELDSTEEL

Immigration Judge

United States Department of Justice
Immigration and Naturalization Service

Form approved
OMB No. 43-R402.2

APPLICATION FOR STAY OF DEPORTATION

SUBMIT IN DUPLICATE

Read instructions on reverse before
filling out application

INFO	Fee Stamp
APR 14 1975	

File No.	A19 446 045
Date	April 14, 1975

1. Name (Family Name in Capital letters)		(First Name)	(Middle Name)		
SUAREZ		Francisco	Antonio		
2. Present Address (Apt. No.)		(Number and Street)	(Town or City)	(State)	(Zip Code)
108-60		42nd Avenue, Apt. 3, Corona, N.Y.	11368		
3. Country of Citizenship		4. Date to which passport is valid (Attach passport)			
Dominican Republic		December 17, 1970			
5. Country to which deportation has been ordered		6. Date to which stay of deportation is requested			
Dominican Republic		Indefinite			
7. Reasons for requesting stay of deportation:					
(SEE ATTACHED)					
8. I certify that all the statements I have made in this application are true and correct to the best of my knowledge and belief.					
Francisco Suarez		(Dated at)		April 1975	
(Signature of Applicant)				(Date)	
9. SIGNATURE OF PERSON PREPARING FORM, IF OTHER THAN APPLICANT					
I declare that this document was prepared by me at the request of the applicant and is based on all information of which I have any knowledge.					
ANTONIO C. MARTINEZ by		324 West 14th Street,		April 1975	
Steven M. Klapisch		New York N.Y. 10014		(Date)	
(Signature)		(Address)			
APPLICANT: DO NOT WRITE BELOW THIS LINE					
Stay denied/granted until _____ by _____					

Form I-243
(Rev. 4-10-72)N

Francisco Suarez currently processing an I-589 request for political Asylum. In April 1965 Mr. Suarez held the rank of Lieutenant in the Army of the Dominican Republic. He joined the forces seeking to depose the junta headed by Donald Cabral and to reinstate the constitutionally elected government of Juan Bosch. On May 23, 1965 Mr. Suarez was imprisoned and charged with conspiracy to overthrow the government. On November 3, 1965 he was released in a prisoner of war exchange.

After the exchange Mr. Suarez was sent to a brigade made up of soldiers from all factions. When Mr. Balaguer took power he summoned all those who had participated in the constitutionalist band and told them that for the good of the country they should leave the Dominican Republic. He was placed under the protection of the United States and was allowed to study in the United States for a limited time.

Upon his return to the Dominican Republic, two attempts were made on the life of Mr. Suarez. The first occurred in September, 1967 when two shots were fired at him. The second attempt on his life occurred several weeks later when he was fired upon by a moving car. After the second attempt Mr. Suarez received a visa to come to the United States.

At present Mr. Balaguer is still in power and any return by Mr. Suarez would place him in jeopardy.

Mr. Suarez is presently processing an immigrant visa at St. John, Newfoundland based on his marriage to Teofila Suarez a Legal Permanent Resident of the United States. He is also the father of Anthony Frank Suarez a United States citizen.

LETTER TO PETITIONER DATED MARCH 17, 1975
DENYING REQUEST FOR ASYLUM
FROM DISTRICT DIRECTOR

Reference is made to a "request for asylum in the United States" (form I-589), which you submitted on January 31, 1975.

Please be advised that as this Service, in 1972, considered and denied a request for political asylum, no further steps will be taken on this request. Should you wish to pay \$25.00 fee, this application could be considered as a motion to reopen deportation proceedings to apply for relief under Section 243(h) of the Immigration and Nationality Act.

You will be further advised when you are to surrender for deportation to the Dominican Republic.

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Form Approved
OMB No. 041-09556

REQUEST FOR ASYLUM
IN THE UNITED STATES

(Execute in Duplicate)

INSTRUCTIONS: This form must be presented to the office of the Immigration and Naturalization Service having jurisdiction over your place of address.

NOTE: If additional space is needed to complete answers, use a separate sheet and identify your answer with the number of the corresponding question.

Received
Jan 31, 1975

INS Office:
Date:
A:

1. NAME (Last, in CAPS) SUAREZ			(First) Francisco	(Middle) Antonio	2. Nationality Dominican	
3. Address in United States 108-60 42nd Avenue, Apt 3 Corona, New York 11363			4. City & Country of Birth Sabana de la Mar Dominican Republic		5. Date of Birth (Mo./Day/Year) June 13, 1942	
6. All other names used at any time None						
7. Family Members (Names of Spouse and Children) Place of Birth Date of Birth Country Where Located Included in Asylum Request, If in U.S. (Yes or No)						
Wife: Teofila Dominica RODRIGUEZ			Dominican Rep.	Jan. 7/52	U.S.A.	no
Son: Anthony Frank SUAREZ			U.S.A.	Dec. 11/74	U.S.A.	no
8. Social Security Number 063-46-1156			9. Occupation Presently I do occasional jobs			10. <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female
11. Addresses for Past Five Years:						
103-60 42nd Ave, Apt 3, Corona, New York			From Jul./74	To present		
256 W 35th St, Apt 10, New York, New York			From Jul./71	To Jul./74		
312 W 93rd St, Apt 103, New York, New York			From Mar./69	To Jul./71		
12. Other Relatives in U.S. (Names) (Address) Relationship Immigration Status						
Ana Luisa SUAREZ			144th St, New York City	sister	LPR	
Rosario SUAREZ			" " " " " " " " " " " "	niece	LPR	
Aurora Suarez			" " " " " " " " " " " "	niece	LPR	
13. Last Arrival in U.S. (Date) Place Type of Entry Date to Which Admitted or Last Extended:						
Nov. 13/1968		NYC	B-2	Jan. 15, 1975		
United States Visa Issued (Date) Place Type						
Nov. 1963		Santo Domingo, Dom. Rep.	B-2			
14. Travel Document: Type and Number Date Issued Valid to: (Date)						
Dominican Passport #22227		unknown	December 17, 1970			
Restrictions on Travel Document						
Not valid to travel to communist countries. for						
Cost						
Obtained by: <input checked="" type="checkbox"/> Self <input type="checkbox"/> Other If "Other" explain:						
Any difficulty obtaining? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explain:						
15. Was Exit Document Required from Home Country? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No see attached If "Yes" explain:						
16. Are you admissible to any other country? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes" explain:						

17. If you return to your country, for what specific reasons do you believe you will be persecuted?

- ☐ Race ☐ Religion ☐ Nationality ☒ Political Opinion ☐ Membership in a particular social group
☐ Other

18. Have you or any member of your family ever been detained, interrogated, arrested, convicted and sentenced, or imprisoned because of the above?
☒ Yes ☐ No If "Yes", cite instances:

See attached.

Have you ever been arrested for any other reasons? ☐ Yes ☒ No If "Yes", please list:

19. Why in your opinion were the actions cited in Item 18 above taken against you?

Political reasons.

20. Did you belong to any organization(s) which were considered hostile to the interests of your Home Country?

- ☐ Yes ☒ No
If "Yes", explain

21. Have you ever expressed political opinions or acted in a manner which was regarded by the authorities as opposed to the interests of your Home Government? ☒ Yes ☐ No If "Yes", explain: See attached.

22. If you base your claim for asylum on current conditions in your country, do these conditions affect your freedom more than the rest of that country's population? ☒ Yes ☐ No If "Yes", explain: See attached.

23. Have you taken any actions that you believe will result in persecution in your Home Country? ☒ Yes ☐ No If "Yes", explain:
See attached.

24. Has your family suffered or been intimidated in any way because of your absence or your actions? ☒ Yes ☐ No
If "Yes", explain: See attached.

25. Do you base your claim for asylum on the fact that you overstayed your leave abroad? ☐ Yes ☒ No If "Yes", explain:

26. Has your request for asylum become known to the authorities of your Home Country? ☒ Yes ☐ No If "Yes", how has this become known? I do not know.

What do you think would happen to you if you return? My life, liberty and rights will be in jeopardy. See attached.

Why? Political reasons. See attached.

27. Have you ever applied for asylum in any other country? ☐ Yes ☒ No If "Yes", explain what happened:

28. Can you provide any documentation or evidence (letters, newspapers, court orders, etc.) in support of your request? ☒ Yes ☐ No
If "Yes", list and attach:

Letter dated Aug. 10, 1971 from Francisco Amador Ramirez, sent to me very shortly before his death. *Ala H*
~~Various newspapers clippings depicting social and political conditions in Dominican Republic.~~

29. Is there any other information relative to your case not covered by the above questions? ☒ Yes ☐ No If "Yes", explain.

See attached.

30. I do swear (affirm) that I know the contents of this application signed by me and that the statements herein are true and correct.

(Signature of applicant)

Subscribed and sworn to (affirmed) before me this _____ day of _____, A.D. 19____
at _____

(To be executed at time of interview) (Signature of Immigration Officer administering oath) (Title)

Action by District Director:

☐ Granted ☐ Denied

(Interviewing Officer)

(District Director)

Date: _____ Date: _____

APPLICATION FOR REQUEST FOR ASYLUM IN THE UNITED STATES WITH ATTACHED SWORN STATEMENT FROM PETITIONER TRANSLATED FROM SPANISH TO ENGLISH AND SWORN STATEMENT FROM PETITIONER IN THE SPANISH LANGUAGE DATED JANUARY 29, 1975.

Francisco Antonio SUAREZ, residing at 108 -60 42nd Avenue, Apt. 3, Corona, New York 11368, under oath declares and says:

My complete, true and correct name is Francisco Antonio SUAREZ CASTRO, Suarez being from my father's side and Castro from my mother's side. I am of Dominican nationality and I was born in Sabana de la Mar, province of El Seibo, Dominican Republic, on June 13, 1942, and never at any time have I used any other name. I am married to Teofila Dominica RODRIGUEZ, who was born in San Jose de Ocoa, Dominican Republic, on January 7, 1952, and who lives with me, being a legal permanent resident of the United States. From this marriage was born my son Anthony Frank SUAREZ, who was born in New York, United States of America on December 11, 1974 and who also lives with me.

My Social Security card bears the number 063-46-4156 and I am presently without steady employment. My last steady occupation was as superintendent of the building at 256 West 85th Street, Manhattan, and my boss was named Saul Brown and I worked for him until July 10, 1974, when I was hospitalized in Roosevelt Hospital for a kidney operation. Presently I do occasional plumbing, carpentry and electrical jobs. Before that job with Mr. Brown, I worked as superintendent at the building of 312 West 93rd Street, Manhattan, for the space of three years. I have lived 312 West 93rd Street, Manhattan, Apt. 103, since approximately March of 1969 until July of 1971. In July of 1971 I moved to 256 West 85th Street, Apt. 10, Manhattan, where I lived until July of 1974.

Since July of 1974 until the present I have lived at 108-60 42nd Avenue, Apt. 3, Corona, New York 11368. Apart from my wife and my son, I have the following relatives in the United States: my sister Ana Luisa SUAREZ and my nieces Rosario and Aurora SUAREZ, residing at 144th Street in Manhattan, and all are legal permanent residents of the United States. The last time that I entered the United States was on November 18, 1968 at New York, as a tourist (B-2 visa) and they extended my permission to stay until January 15, 1975. I obtained an American visa in November of 1968 at the American Consulate in Santo Domingo, visa type B-2. I used for traveling a Dominican Passport #22227 issued on a date that I do not remember and valid until December 17, 1970. The passport is valid for traveling to anyplace in the world except the Communist countries, it was obtained by me personally, without any difficulty, and to get it I had to present my birth certificate, my Dominican Identification card and my Police Certificate of Good Conduct.

If I return to my country, I will be persecuted due to my political opinions for which I was arrested twice. The first was for one week, my being at the time a Sergeant Major of the Dominican Army and working in the Appeals Council of War of the Armed Forces; when I found out that they had overthrown the then President Professor Juan Bosch, I was at my work and I had a record in my hands. On being informed of the overthrow of the President, I smashed the file on the floor and said out loud: "These gorillas overthrew the first democratic President that we have had." I was immediately reported by a First Lieutenant of the National Navy who was present there, to the Commadore Pierret, who ordered my arrest, which order was followed by the same First Lieutenant who reported me, and who

and who was named Morillo. I was arrested for a week at the Council of War, and they made a record against me, taking a statement from me and submitting me to an interrogation soon after a week of my arrest had passed. The same day that they interrogated me, in the afternoon, they took me into the presence of General Salvador Augusto Montas Cuerrero who was Chief of Staff of the Army, and who interrogated me about why I was on the side of Professor Juan Boch. I answered that those were my sentiments and General Montas Cuerrero told me that they were going to release me but that I should abandon that line because I was very wrong. A large group of subofficers and officers of the Armed Forces, and I among them, and of civilians also, decided to organize a movement which was named "Constitutionalist Movement" which would have as its goal the re-instating of Professor Juan Boch to the Presidency, he having been elected as the President of the country by the free and democratic vote of the people and arbitrarily removed by a movement of force headed by the now ex-General Elias Wesson y Wesson. I participated actively in that constitutionalist movement with the intention making the popular will respected, and our group put in prison the members of the Joint Chiefs of Staff of the Armed Forces headed by General Marcos Rivera Cuesta, and then we went to the National Palace, that is, the House of Government, and we took prisoners Donald Reid Cabral and Dr. Ramon Caceres, who were at that time the only members of the Triumvirate which was in power, because the third member, who was Dr. Tapia, had been removed a short time before. In reality, there was a third member who participated in the triumvirate but who acted in the shadows, and that was General Wessen y Wessen, but whom they did

not dare to bring into the light because he was a member of the Armed Forces, and in that way they tried to fabricate before the people a democratic government, without the intervention of the Armed Forces. Reid Cabra and Caceres signed their resignations through the imposition of Captain Mario Pena Taveras and after that we practically had in our hands the control to restore Professor Boch to his office. All of this occurred between the 24th and 28th of April of 1965. But on April 28, 1965, my country was invaded by the Armed Forces of the United States of America, by which the "Constitutionalist Movement" failed and some were killed, others deported and finally others, I among them, were made prisoners. I was a prisoner at the Public Prison of La Victoria for three months and twenty days, the first seven of which I spent in a cell called "solitary", that is, incommunicado and alone, without light or elementary facilities for my physiological necessities, eating a meager ration of corn flour and water twice a day, and submitted to daily interrogations regarding my participation in the Constitutionalist Movement, and being submitted to bad treatment but not to physical torture, but to psychological tortures, yes. Then they transferred me to a larger cell, with the capacity for some twenty prisoners, but in which there were some one hundred forty of us men, all of the military.

I want to make it clear that by our position as military men, we should not have been in a public jail, but the detention, although unjust and arbitrary, should have been in a military institution. Before the American invasion of the Dominican Republic, Congress had had the total popular representation and had designated Colonel Caamano as Chief of

State provisionally, but after the American troops arrived, their authorities named General Imbert Barrera for that office, which was given to him, calling it the "Government of Reconstruction". The partisans of the Congress and of Professor Juan Bosch fortified themselves in what was called Ciudad Nueva, and there also were prisoners of the band of General Wesson y Wesson, while in the public jail of La Victoria we were prisoners, being the members of the Constitutionalist band, who were taken prisoners by the Americans and by the forces of the "Government of Reconstruction". Between the two factions there was an agreement on exchange of prisoners, and as a result of that, I was released and rejoined the Constitutionalist band in Ciudad Nueva, after three months and twenty days of prison. I have not been put in prison or arrested for any other reason. I was taken prisoner for my adherence to the Dominican Constitution and for my defense of the legitimately constituted authority. I have not belonged to any organization considered contrary to the interests of my country. I have expressed myself and participated in activities considered contrary to the interests of the government of force of my country, but never against the interests of the Constitutional Government. I have always acted in defense of the Constitution and of the laws of my country, and against the movements of force which are ignorant of the dictates of those laws and the will of the people. In this sense, my opinions and my action were considered to be against the de facto Government of my country, which took power against the popular will expressed in the free elections of 1962, and which thereafter was supported by an armed invasion carried out by the Armed Forces of the United States. The present government, although it has arisen from elections, is the continuation of the government of force which overthrew

the constitutional President Boch, and the military and police authorities presently in power are the same or the inheritors of those that I helped to depose and to take prisoners. Therefore, my ideological position is known as contrary to the present Dominican authorities.

I am a member of the Dominican Revolutionary Party, opposed to the government of Dr. Balaguer who is presently in power. The current political conditions of my country affect me more than others or the generality of the Dominican inhabitants, because of that which I have expressed above. Not only my liberty is in danger if I have to return now to the Dominican Republic, but also my very life and that of my family, by the fact that I have been known for my activity in defense of the government of President Boch. All of my participation that I have related will unleash a persecution against me and my family if I return now to my country. My mother and my sisters and brothers, although they have no political activity, are bothered continually by the police or the political partisans of the present government. They are "investigated", visited and interrogated regarding their life and regarding my present whereabouts and activities. I cannot communicate by letter with them using the mail, because their letters do not reach me, and the letters that I send are opened, and the National Headquarters of Investigation of the Dominican Republic participates in this. In order to be able to communicate with them I have to send the letters, and they send theirs to me, through the intermediary of friends or acquaintances who occasionally travel between the Dominican Republic and the United States. When I came to the United States for the last time, I left my house in Santo Domingo,

National District, in the care of a sister of my first wife. My sister-in-law was married to a military man, Sergeant of Administration and Accounting of the National Police Francisco AMADOR RAMIREZ, and they continue to live in my house with their little children. They warned me that my house was being watched, and my brother-in-law actually wrote to me about that. On the night of August 24, 1971, my brother-in-law was going to my house, which is where he was living with his family, when, upon crossing the street, on getting exactly to the front of the door of the house, a small truck which was parked nearby started up at full speed and ran him over, causing his death, and continued without stopping for a moment. I believe that there was a mistake, and that whoever killed him thought that it was I that they were killing. The police investigated the matter but could arrive at no result, as far as I know, in spite of having witnesses of the act.

I am not requesting asylum because of the fact that I have been living abroad for longer than I should. I believe that my request for asylum has become known to the Dominican authorities, but I do not know by what means. If I return to the Dominican Republic now I think that I am going to be the object of attempts against my liberty, and against my life, as well as against the unity and security of my family, because of the unmerciful and vengeful repression carried on by the government itself and by its partisans. I never requested asylum from any other country; only from the United States. After leaving at liberty from my imprisonment which lasted three months and twenty days, I returned to Ciudad Nueva on the side of the constitutionalist forces, under the

command of Captain Pena Taveras, with seat at Calle 30 de Marzo, corner of Salome Urena. There we supported armed attacks and bombardments of the American and Dominican forces, the latter being under the government of Imbert Barrera. Finally there was set up the government of Garcia Codoy, by an agreement which was called "Institutional Act of Reconciliation" celebrated between Caamano, Imbert Varrera and the Americans under the command of General Brook Palmer. By virtue of that agreement we were sent to the Mixed Brigade "Gregorio Luperon", called mixed because it was made up of military men, members of all the factions in the struggle. After the provisional period of Garcia Codoy ended, Dr. Balaguer rose to the government by elections in which he defeated Professor Boch. Immediately after taking power, Dr. Balaguer summoned all the military men who had acted in the Constitutionalist band and told us that for the good of the country we should leave the Dominican Republic. A group, I among them, was sent to Fort Hood, Texas, and then we were transferred to Fort McArthur, California, where I studied for ten months at Long Beach City College, graduating with Master of Building Construction. — When the contract ran out we were received by officers of the regular forces with licenses for each one of us, prohibiting us from returning to the quarters. When the license expired, they extended it for us and they kept us out of the quarters until the present time. After returning to the Dominican Republic I was the object of two attempts on my life. The first in about the month of September of 1967, when I was leaving my house to buy something, and on arriving at the corner of Calle 10 and Jose Nicolas Casimiro of Santo Domingo, National District, they fired two shots at me which missed me because I heard them and threw myself

to the ground. I reported it to the Prosecutor but it was all for nothing and no investigation was made. The second attempt was in the same month, when I was going to my brother's house, walking on Calle Padre Castellanos, in Santo Domingo, National District, and arriving at the neighborhood of Calle Yolanda Guzman, again they fired a shot at me from a moving car, which also missed.

In the face of all this, I went to see Dr. Pena Gomez who made all the arrangements for me to obtain a visa to come to the United States , and once I got that visa I came to this country.

This is everything I have to say, and I swear that it is the truth.

/s/Francisco Antonio Suarez

DECISION OF THE IMMIGRATION JUDGE
DATED OCTOBER 29, 1973

The above-named respondent having appeared before me for hearing on this date, pursuant to the Order to Show Cause in this proceeding, and having admitted that the factual allegations contained therein are true, and having further admitted that he is deportable from the United States on the charges set forth therein, I am satisfied and have concluded that deportability has been thereby established.

Respondent has made application solely for voluntary departure in lieu of deportation.

ORDER: It is ordered that in lieu of an order of deportation the respondent be granted voluntary departure without expense to the Government on or before October 29, 1974, or any extension beyond such date as may be granted by the district director, and under such conditions as the district director shall direct.

IT IS FURTHER ORDERED that if the respondent fails to depart when and as required, the privilege of voluntary departure shall be withdrawn without further notice or proceedings and the following order shall thereupon become immediately effective: the respondent shall be deported from the United States to Dominican Republic on the charge contained in the Order to Show Cause.

IT IS FURTHER ORDERED that if the aforementioned country advises the Attorney General that it is unwilling to accept the respondent into its territory or fails to advise the Attorney General within three months following original inquiry whether it will or will not accept the respondent to its territory, the respondent shall be deported to _____.

Thomas J. Cahill (K.L.)

COPY RECEIVED

January 29, 1976

UNITED STATES ATTORNEY